

"Wallace, Andrew (Tom  
Udall)"  
<Andrew\_Wallace@tomudall.  
senate.gov>

To Josh Lewis  
cc Arvin Ganesan  
bcc

04/28/2009 09:34 AM

Subject EPA withdraws air permit for Desert Rock in NM/Navajo

Can we get an explanation on this please at the earliest convenience from Region 9? (and a heads up on something like this in the future?) EPA/federal involvement at this level could easily turn the focus of this controversy to our office. –Drew

Andrew G. Wallace  
Senior Policy Advisor  
Office of Senator Tom Udall (NM)  
110 Hart Senate Office Building  
202-224-6621

### **EPA pulls the plug on Desert Rock coal-fired power plant**

04/28/2009 12:19:13  
Marjorie Childress  
New Mexico Independent

ABQ— In a dramatic move yesterday, the U.S. Environmental Protection Agency (EPA) withdrew the air quality permit it issued last summer for the Desert Rock coal-fired power plant, which is slated to be built on the Navajo Nation in the Four Corners region just southwest of Farmington, New Mexico.

The action drew praise from critics of the plant and blistering commentary from its proponents.

Assistant New Mexico Attorney General Seth Cohen, who has been one of the primary litigators working on the state's appeal of the original permit, said the decision by the new administration at the EPA marked "a huge victory."

"The EPA was supposed to file their final brief today in opposition to our arguments, but had asked for an extension, so we were hopeful," Cohen told NMI. "Today, in effect, they agreed with us that EPA had cut corners in issuing the permit last summer. It's a huge victory for public health and the environment in New Mexico."

But Jeff Holmstead, former head of the air program at EPA and now head of the Environmental Strategies Group at Bracewell & Giuliani, the law firm representing the plant's developer, Sithe Global, said in a statement that he has "never seen anything like it."

"I don't think anyone ever imagined that the new team at EPA would seem to have such little regard for due process or basic notions of fairness," Holmstead said. "Everyone understands that a new Administration has discretion to change rules and policies prospectively. But I've never seen any Administration try to change policies and rules retroactively."

While a lot of attention has been paid in the last week to the EPA's recent finding that carbon dioxide—the greenhouse gas that is belched from coal-burning power plants—poses a danger to human health and the environment, the decision to withdraw the Desert Rock permit yesterday rested on other issues put forward by the state of New Mexico.

The EPA found that the permitting process was issued prematurely, before complete analysis could be conducted of hazardous air emissions like mercury, or the impact of the facility on endangered species, or

the impact on soil, vegetation, and visibility in the region. The permit also didn't adequately examine particulate matter.

Also, in the review of "best available technologies," developers of the project didn't include a process called integrated gasification combined cycle (IGCC), the EPA said. Using IGCC technology—which turns the coal into gas before burning it—would make Desert Rock better able to control air pollution.

While many consider IGCC to be an experimental technology, it's currently being used in at least two other coal-burning power plants, and the state argued in its appeal that it should have at least been studied as an option.

Yesterday's decision effectively sends the entire permit back to the drawing board.

Holmstead argued that the permit was the most stringent of any such permit issued in the country. The application was submitted five years ago, he said, and dragged on for several years while the company and the Navajo Nation — a strong supporter of the project — tried to "address everybody's concerns."

Navajo Nation President Joe Shirley said in a statement the decision was further proof that the U.S. government isn't "honest and truthful in its dealings with Native America." Shirley said that the EPA withdrawal of the permit will harm the Navajo people.

"I have people dying every day because of poverty, alcoholism, drug abuse, domestic violence, gangs, and the U.S. Government is not there to adequately fund the direct service programs that cater to these needs," he said.

Shirley concluded by saying that the message from the EPA is that it will hold projects "on Navajo land to standards that may well be impossible to meet — and that wouldn't be applicable elsewhere."

Cohen, however, said New Mexico respects the right of the Navajo Nation to develop its land, but it needs to be done in a way that protects air quality in New Mexico.

"There needs to be a substantial re-analysis, but we'll work with the applicant to re-think the permit," he said.

New Mexico Environment Department Secretary Ron Curry made similar remarks in a statement issued by Gov. Bill Richardson's office that noted concerns related to carbon dioxide and climate change.

"Air emissions from Desert Rock would have singlehandedly undone our state's climate change initiatives," Curry said. "We stand ready to assist EPA Region 9 and the Navajo Nation to make significant improvements to the design of this facility including technologies that will address greenhouse gas emissions."

Josh Lewis /DC/USEPA/US  
07/10/2009 09:13 AM

To Deborah\_Moldover  
cc Linda Miller  
bcc  
Subject Fw: Questions about Greenhouse Gases

Deborah,

Sorry I missed your return call yesterday. I'm around today to chat - give me a call when you're free (and if you don't get me on the # below, try my cell (b) (6)). Also wanted to send along a link to some materials related to our proposed endangerment finding:  
<http://www.epa.gov/climatechange/endangerment.html>

Very briefly, the proposal is EPA's response to the Supreme Court case Massachusetts v. EPA. Basically the Court tasked EPA with determining whether or not emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision.

As for the comment period, it was initially opened for 60 days, and we opted not to extend it for the reasons noted in a letter we sent to Rep. Issa (also on the web at <http://www.epa.gov/climatechange/endangerment/downloads/issaresponseletter.pdf>).

Josh Lewis  
USEPA/Office of Congressional and Intergovernmental Relations  
phone: 202-564-2095  
fax: 202-501-1550

**From:** "Moldover, Deborah (Mikulski)" [Deborah\_Moldover@Mikulski.senate.gov]  
**Sent:** 07/07/2009 04:04 PM AST  
**To:** Linda Miller  
**Cc:** "Ghosh Ahola, Priya (Mikulski)" <Priya\_GhoshAhola@Mikulski.senate.gov>  
**Subject:** Questions about Greenhouse Gases

Hi Linda,

I am a new legislative correspondent in Sen. Mikulski's office and working with Priya Ghosh Ahola on environmental issues.

We have been getting a number of constituents asking about a proposed rule issued by the EPA on greenhouse gases endangering public health and I was wondering if you could tell me what that rule is. Also, if it is within existing EPA authority to issue a rule under a public health finding. Finally, our constituents are concerned that the public comment time on the proposed rule has been shortened from 120 days to 60 days and why this is the case.

Any assistance you could provide me would be greatly appreciated.

Thank you,

Deborah

Deborah Moldover  
Legislative Aide  
Senator Barbara A. Mikulski  
503 Hart Senate Office Building  
202-224-4654

"Haynes, Laura (Carper)"  
<Laura\_Haynes@carper.senate.gov>

07/14/2009 07:43 PM

To Arvin Ganesan, Patricia Haman, Josh Lewis

cc

bcc

Subject FYI - Wed. Clean Coal Roundtable

***U.S. Sens. Tom Carper and George Voinovich Host Roundtable:  
“What is the Future of Coal in the Context of  
H.R. 2454, the American Clean Energy and Security Act of 2009?”***

WASHINGTON (July 13, 2009) –U.S. Sens. Tom Carper (D-Del.) and George Voinovich (R-Ohio) will host a roundtable discussion, **“What is the Future of Coal in the Context of H.R. 2454, the American Clean Energy and Security Act of 2009.”**

On June 26, 2009, the House of Representatives passed H.R. 2454, the American Clean Energy and Security Act of 2009 by a vote of 219-212. This legislation, introduced by Chairman Henry Waxman and Subcommittee Chairman Edward Markey, is a comprehensive energy bill that includes economy-wide requirements for greenhouse gas emission reductions. The bill includes funds that are intended to promote clean coal technology – such as carbon capture and storage. The Senators hope to discuss: the status of clean coal technology, including, commercialization and deployment needs; the bill’s clean coal language; and, how these provisions relate to, and work on conjunction with, the bill’s requirements and objectives.

Sens. Carper and Voinovich, both members of the Senate Environment and Public Works Committee, are in agreement that our nation will need all sources of energy - such as coal, renewables, and nuclear - to meet our future clean energy needs. Both also agree that the development and deployment of carbon capture and sequestration will be critical to meeting our nation’s climate goals.

**WHAT: Roundtable: “What is the Future of Coal in the Context of  
H.R. 2454, the American Clean Energy and Security Act of 2009?”**

**WHEN:** 3:00 PM, Wednesday, July 15

**WHERE:** G11 Senate Dirksen Building

**WHO:**

- **Jarad Daniels**, Director of Planning and Environment, Office of Fossil Energy, Department of Energy
- **Joe Chaisson**, Technical Director, Clean Air Task Force.
- **Sean Black** Product Manager, Post-Combustion Carbon Capture, Alstom
- **Chris Hobson**, Senior Vice President of Research and Environmental

Affairs. Southern Company

- **Steve Winberg**, Vice President, Research & Development, CONSOL Energy Inc.
- **Ben Yamagata**, Executive Director, Coal Utilization Research Council

Laura Haynes  
Legislative Assistant  
Office of U.S. Senator Tom Carper  
Phone: (202) 224-2441  
Email: [laura\\_haynes@carper.senate.gov](mailto:laura_haynes@carper.senate.gov)

"Plack, Brendon (Thune)"  
<Brendon\_Plack@thune.senate.gov>

07/21/2009 04:42 PM

To Patricia Haman

cc

bcc

Subject RE: Endangerment Finding

Thanks Pat. This is very helpful.

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]

Sent: Tuesday, July 21, 2009 4:19 PM

To: Plack, Brendon (Thune)

Subject: Re: Endangerment Finding

Hi Brendon: So the comment period closed. We are reviewing the comments. After we develop a draft final determination we have to go through the OMB interagency review process. Pat

Patricia Haman

Office of Congressional and Intergovernmental Relations

202-564-2806

From: "Plack, Brendon (Thune)" <Brendon\_Plack@thune.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

Date: 07/21/2009 03:47 PM

Subject: Endangerment Finding

Pat,

I have a quick question for you. Is EPA conducting or is EPA planning to conduct an inter-agency review process for the carbon dioxide endangerment finding?

Thanks,

Brendon

(Embedded image moved to file: pic32036.jpg)Seal2\_10Brendon Plack  
Legislative Assistant

Senator John Thune (R-SD)

Washington, DC 20510

(202) 224-2321

(202) 228-5429 (fax)

Sign up for Senator Thune's Monthly

Newsletter

[attachment "image001.png" deleted by Patricia Haman/DC/USEPA/US]



"Wojciechowski, Adrienne  
(Judiciary-Dem)"  
<Adrienne\_Wojciechowski@J  
udiciary-dem.senate.gov>  
07/22/2009 10:59 AM

To: Arvin Ganesan  
cc  
bcc  
Subject: Re: Ag hearing today

Sorry I missed you call. I'm over at the Ag hearing now, waiting for the fireworks and duel to start.

Right now he just as one planned directly for the Administrator, but that could change.

"Admin. Jackson, incredibly there are still some who discredit the science of climate change and the need for action. In your opinion what are some of the harmful impacts and possible costs to American agriculture if we do not act soon to reduce our greenhouse gas emissions in this country?"

For the whole panel: We have many farmers already leading the way and changing the way we farm in Vermont. While a lot of these practices and changes do help the environment, these farmers chose to do them because they made smart financial sense for their operations. How would a viable carbon offsets market change farming in Vermont? How many more methane digesters do you think we could see installed in the state? And what sort of payments could my producers see for their offsets and practices?

Will likely ask Secretary Vilsack how an ag offset program would impact farmers and forestland owners ability to stay on their land? when today they face so much pressure to sell and have their farms and forests turned into subdivisions and second home plots.

Also slated to Vilsack but I'm sure she may also have a response - What do you think the potential is for farmers and foresters to help address climate change? What are some of the possible new sources of revenue for their operations?

---

**From:** Ganesan.Arvin@epamail.epa.gov <Ganesan.Arvin@epamail.epa.gov>  
**To:** Wojciechowski, Adrienne (Judiciary-Dem)  
**Sent:** Wed Jul 22 10:39:48 2009  
**Subject:** Re: Ag hearing today

Hey! Just left a vm. Please do send on questions. I appreciate it!

Sent from my Blackberry Wireless Device

---

**From:** "Wojciechowski, Adrienne (Judiciary-Dem)" [Adrienne\_Wojciechowski@Judiciary-dem.senate.gov]  
**Sent:** 07/22/2009 09:16 AM AST  
**To:** Arvin Ganesan  
**Subject:** Ag hearing today

Hi there Arvin – So do you get the fun job of covering the Ag committee hearing for Jackson today? The all day hearing that it may turn out to be.

Well I just wanted to pass along a possible question or two that my boss may ask her panel, well if the timing works out with the mess the schedule is now.

Hope you are doing well over there - Adrienne

Adrienne Wojciechowski | Professional Staff Member | Senate Judiciary Committee  
| Senator Patrick J. Leahy  
202.224.2593 | [adrienne.w@judiciary-dem.senate.gov](mailto:adrienne.w@judiciary-dem.senate.gov) | 240 DSOB

"Frangione, Kathleen (Foreign  
Relations)"  
<Kathleen\_Frangione@foreign.  
senate.gov>

To Patricia Haman

cc

bcc

08/11/2009 04:00 PM

Subject RE: offsets discussion

I'm free between now and 4:30, or we could shoot for tomorrow. Let me know...thanks!

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]

Sent: Tuesday, August 11, 2009 2:27 PM

To: Frangione, Kathleen (Foreign Relations)

Subject: offsets discussion

Hi Kathleen: I got a note from David and have spoken to the modelers. They can be flexible between now and 5:00. When are you free this afternoon? We can also make tomorrow morning work if that is better for you. Pat

Patricia Haman

Office of Congressional and Intergovernmental Relations

202-564-2806

"Frangione, Kathleen (Foreign Relations)"  
<Kathleen\_Frangione@foreign.senate.gov>  
08/11/2009 04:31 PM  
To: Patricia Haman  
cc  
bcc  
Subject: RE: offsets discussion

I have a mtg at 10 -- any other options? Sorry!

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From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]  
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Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

From: "Frangione, Kathleen (Foreign Relations)"  
<Kathleen\_Frangione@foreign.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

Date: 08/11/2009 04:00 PM

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08/11/2009 05:32 PM  
To Patricia Haman  
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bcc  
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Office of Congressional and Intergovernmental Relations  
202-564-2806

"Frangione, Kathleen (Foreign Relations)"  
<Kathleen\_Frangione@foreign.senate.gov>  
08/12/2009 10:08 AM

To Patricia Haman  
cc  
bcc  
Subject RE: offsets discussion

Great thanks

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Wednesday, August 12, 2009 9:19 AM  
To: Frangione, Kathleen (Foreign Relations)  
Subject: RE: offsets discussion

We are all set. The call in # will be: (b) (6) conference code  
= (b) (6) Pat

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

From: "Frangione, Kathleen (Foreign Relations)"  
<Kathleen\_Frangione@foreign.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

Date: 08/11/2009 05:32 PM

Subject: RE: offsets discussion

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Office of Congressional and Intergovernmental Relations  
202-564-2806

From: "Frangione, Kathleen (Foreign Relations)"  
<Kathleen\_Frangione@foreign.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

Date: 08/11/2009 04:00 PM

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Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

"Albritton, Jason (EPW)"  
<Jason\_Albritton@epw.senate.gov>

08/12/2009 02:32 PM

To Patricia Haman

cc

bcc

Subject Re: modeling discussion on Thursday, 8/27

Thanks.

Would 12 pm work?

----- Original Message -----

From: Haman.Patricia@epamail.epa.gov <Haman.Patricia@epamail.epa.gov>

To: Albritton, Jason (EPW)

Sent: Tue Aug 11 14:22:51 2009

Subject: modeling discussion on Thursday, 8/27

Hi Jason: I just got off the phone with David McIntosh and he indicated that the two of you agreed to a discussion for Thursday 8/13 with the tech staff. I would be happy to get that set up - do you have any blocks of time? Pat

Patricia Haman

Office of Congressional and Intergovernmental Relations

202-564-2806

"Albritton, Jason (EPW)"  
<Jason\_Albritton@epw.senate.gov>

08/12/2009 02:49 PM

To Patricia Haman

cc

bcc

Subject Re: modeling discussion on Thursday, 8/27

Ok. Thanks.

----- Original Message -----

From: Haman.Patricia@epamail.epa.gov <Haman.Patricia@epamail.epa.gov>  
To: Albritton, Jason (EPW)  
Cc: McIntosh.David@epamail.epa.gov <McIntosh.David@epamail.epa.gov>; Poirier, Bettina (EPW)  
Sent: Wed Aug 12 14:47:02 2009  
Subject: Re: modeling discussion on Thursday, 8/27

Some people have a conflict but I am checking to see if folks can rearrange. Thanks, Pat

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

From: "Albritton, Jason (EPW)" <Jason\_Albritton@epw.senate.gov>  
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Patricia Haman  
Office of Congressional and Intergovernmental Relations

202-564-2806

"Albritton, Jason (EPW)"  
<Jason\_Albritton@epw.senate.gov>

08/13/2009 10:32 AM

To Patricia Haman  
cc David McIntosh, "Poirier, Bettina (EPW)", "Ordal, Paul (EPW)"  
bcc

Subject RE: modeling discussion on Thursday, 8/27

Did we confirm this time?

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]  
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Cc: McIntosh.David@epamail.epa.gov; Poirier, Bettina (EPW)  
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Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806



"Ordal, Paul (EPW)"  
<Paul\_Ordal@epw.senate.gov>  
>

08/13/2009 10:36 AM

To "Albritton, Jason (EPW)", Patricia Haman

cc David McIntosh, "Poirier, Bettina (EPW)"

bcc

Subject Re: modeling discussion on Thursday, 8/27

12pm does not work for our staff today. Any times tomorrow?

----- Original Message -----

From: Albritton, Jason (EPW)

To: Haman.Patricia@epamail.epa.gov <Haman.Patricia@epamail.epa.gov>

Cc: McIntosh.David@epamail.epa.gov <McIntosh.David@epamail.epa.gov>; Poirier, Bettina (EPW); Ordal, Paul (EPW)

Sent: Thu Aug 13 10:32:18 2009

Subject: RE: modeling discussion on Thursday, 8/27

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202-564-2806

"Ordal, Paul (EPW)"  
<Paul\_Ordal@epw.senate.gov>  
>

08/13/2009 11:03 AM

To Patricia Haman  
cc "Poirier, Bettina (EPW)", David McIntosh, "Albritton, Jason (EPW)"  
bcc

Subject Re: modeling discussion on Thursday, 8/27

How about some other times today?

----- Original Message -----

From: Haman.Patricia@epamail.epa.gov <Haman.Patricia@epamail.epa.gov>  
To: Ordal, Paul (EPW)  
Cc: Poirier, Bettina (EPW); McIntosh.David@epamail.epa.gov  
<McIntosh.David@epamail.epa.gov>; Albritton, Jason (EPW)  
Sent: Thu Aug 13 10:49:56 2009  
Subject: Re: modeling discussion on Thursday, 8/27

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Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

From: "Ordal, Paul (EPW)" <Paul\_Ordal@epw.senate.gov>  
To: "Albritton, Jason (EPW)" <Jason\_Albritton@epw.senate.gov>, Patricia Haman/DC/USEPA/US@EPA  
Cc: David McIntosh/DC/USEPA/US@EPA, "Poirier, Bettina (EPW)" <Bettina\_Poirier@epw.senate.gov>  
Date: 08/13/2009 10:36 AM  
Subject: Re: modeling discussion on Thursday, 8/27

12pm does not work for our staff today. Any times tomorrow?

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To: Haman.Patricia@epamail.epa.gov <Haman.Patricia@epamail.epa.gov>  
Cc: McIntosh.David@epamail.epa.gov <McIntosh.David@epamail.epa.gov>; Poirier, Bettina (EPW); Ordal, Paul (EPW)  
Sent: Thu Aug 13 10:32:18 2009  
Subject: RE: modeling discussion on Thursday, 8/27

Did we confirm this time?

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]  
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"Ordal, Paul (EPW)"  
<Paul\_Ordal@epw.senate.gov>  
>

08/13/2009 11:08 AM

To Patricia Haman

cc

bcc

Subject Re: modeling discussion on Thursday, 8/27

Checking...

----- Original Message -----

From: Haman.Patricia@epamail.epa.gov <Haman.Patricia@epamail.epa.gov>

To: Ordal, Paul (EPW)

Sent: Thu Aug 13 11:06:39 2009

Subject: Re: modeling discussion on Thursday, 8/27

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Patricia Haman

Office of Congressional and Intergovernmental Relations

202-564-2806

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To: Patricia Haman/DC/USEPA/US@EPA

Cc: "Poirier, Bettina (EPW)" <Bettina\_Poirier@epw.senate.gov>, David McIntosh/DC/USEPA/US@EPA, "Albritton, Jason (EPW)" <Jason\_Albritton@epw.senate.gov>

Date: 08/13/2009 11:03 AM

Subject: Re: modeling discussion on Thursday, 8/27

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Office of Congressional and Intergovernmental Relations

202-564-2806

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<Paul\_Ordal@epw.senate.gov>  
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To Patricia Haman

cc

bcc

08/13/2009 12:06 PM

Subject RE: modeling discussion on Thursday, 8/27

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Office of Congressional and Intergovernmental Relations

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"Ordal, Paul (EPW)"  
<Paul\_Ordal@epw.senate.gov>  
>

To Patricia Haman

cc

bcc

08/13/2009 12:30 PM

Subject RE: modeling discussion on Thursday, 8/27

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From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]

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Office of Congressional and Intergovernmental Relations  
202-564-2806

"Albritton, Jason (EPW)"  
<Jason\_Albritton@epw.senate.gov>

08/13/2009 04:41 PM

To Patricia Haman, "Ordal, Paul (EPW)"

cc "Poirier, Bettina (EPW)"

bcc

Subject Re: modeling discussion on Thursday, 8/27

We will be on in just a minute.

----- Original Message -----

From: Haman.Patricia@epamail.epa.gov <Haman.Patricia@epamail.epa.gov>

To: Ordal, Paul (EPW)

Cc: Albritton, Jason (EPW); Poirier, Bettina (EPW)

Sent: Thu Aug 13 16:34:30 2009

Subject: RE: modeling discussion on Thursday, 8/27

The number I gave you is not working. Please use:

(b) (6)

(b) (6)

Patricia Haman

Office of Congressional and Intergovernmental Relations

202-564-2806

From: "Ordal, Paul (EPW)" <Paul\_Ordal@epw.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

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Subject: RE: modeling discussion on Thursday, 8/27

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Office of Congressional and Intergovernmental Relations  
202-564-2806



"Kelly, Matthew (Specter)"  
<Matthew\_Kelly@specter.senate.gov>

08/14/2009 02:29 PM

To: Patricia Haman, "Schmid, Paul (Carper)"  
cc  
bcc  
Subject: RE: transportation & climate bill update

Yes, that works for me, thanks.

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Friday, August 14, 2009 1:35 PM  
To: Schmid, Paul (Carper)  
Cc: Kelly, Matthew (Specter)  
Subject: RE: transportation & climate bill update

Hi Matt: I am looking at 11 on Tuesday. Would you be able to make that? Thanks, Pat

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

From: "Schmid, Paul (Carper)" <Paul\_Schmid@carper.senate.gov>  
To: Patricia Haman/DC/USEPA/US@EPA  
Cc: "Kelly, Matthew (Specter)" <Matthew\_Kelly@specter.senate.gov>  
Date: 08/14/2009 11:33 AM  
Subject: RE: transportation & climate bill update

Either of those times work for me. Will this be a teleconference or meeting?

Matt, are you available?

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Wednesday, August 12, 2009 2:39 PM  
To: Schmid, Paul (Carper)  
Subject: transportation & climate bill update

Hi Paul: The OAR technical staff have been talking to DOT staff about some technical changes to the bill both agencies agree on. We were wondering if you have time next week to sit down and let us walk you and Matt Kelly through the suggestions for your consideration.

Right now we are looking at Monday between 10:00-1:00 or Tuesday between

11:00 - 3:00.

Thanks, Pat

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

"Shultz, Joseph (Brown)"  
<Joseph\_Shultz@brown.senate.gov>

08/18/2009 05:20 PM

To Arvin Ganesan

cc

bcc

Subject RE: meeting

Hey Arvin - I am out in Ohio until Friday. We can talk generally, but would like to focus on climate change and manufacturing issues. Can we chat about the best timing for such a meeting?

-----Original Message-----

From: Ganesan.Arvin@epamail.epa.gov [mailto:Ganesan.Arvin@epamail.epa.gov]

Sent: Monday, August 17, 2009 11:07 AM

To: Shultz, Joseph (Brown)

Subject: meeting

Hi Joe -

Hope all is well. I'm getting the Administrator on the Hill to meet some members when we get back. Would your boss want to sit down with her? Is there anything specific he'd want to talk about, or is he amenable to a general discussion?

thanks.

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

"Kalra, Amit (Stabenow)"  
<Amit\_Kalra@stabenow.senate.gov>

08/20/2009 09:29 AM

To Patricia Haman

cc

bcc

Subject MRV and Climate Legislation

Patricia-

Jonathan Lubetsky suggested I get in touch with you. I wanted reach out to Bill Irving to discuss the ability of the U.S. accurately monitor, report and verify carbon emissions around the world, and Jonathan said you may be able to assist.

Thanks,

Amit Kalra  
Legislative Aide  
Senator Debbie Stabenow (D-MI)  
202-224-4822

"Woodcock, Patrick (Snowe)"  
<Patrick\_Woodcock@snowe.senate.gov>

08/20/2009 10:53 AM

To: Patricia Haman

cc

bcc

Subject: RE: carbon emissions from different heating sources

Thanks, Pat.

Patrick C. Woodcock  
Senator Olympia J. Snowe

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]

Sent: Wednesday, August 19, 2009 6:02 PM

To: Woodcock, Patrick (Snowe)

Subject: RE: carbon emissions from different heating sources

Hi Patrick: Unless I am reading this incorrectly, they actually only cite EPA as part of the source for the particulate and SO2 emissions graphics. The carbon graphic is only cited as the University of Wisconsin. But, I will share this with the staff to see if they are familiar with the University's work. We have some additional information we hope to share soon as well.

Pat

Patricia Haman

Office of Congressional and Intergovernmental Relations

202-564-2806

From: "Woodcock, Patrick (Snowe)" <Patrick\_Woodcock@snowe.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

Cc: Josh Lewis/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA

Date: 08/19/2009 11:55 AM

Subject: RE: carbon emissions from different heating sources

Thanks, Pat. I have been receiving data from industry regarding carbon content of wood pellets and the data they use cites EPA data. Is there a way to confirm this data?

The document that I was provided is attached and the pertinent data is on pages 19-20. Is there another agency that I should approach regarding emissions from biogenic origin?

Ideally, I would like to have greenhouse gas emissions data on different AFUE ratings of oil furnaces, as well as natural gas furnaces to provide Senator Snowe with an idea of what types of thermal heat she should be promoting.

Patrick



Patrick C. Woodcock  
Senator Olympia J. Snowe

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [  
mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Tuesday, August 18, 2009 3:38 PM  
To: Woodcock, Patrick (Snowe)  
Cc: Lewis.Josh@epamail.epa.gov; McIntosh.David@epamail.epa.gov  
Subject: carbon emissions from different heating sources

Patrick: Our technical staff provided the data regarding the carbon dioxide emissions associated with combustion of natural gas and heating oil which you asked for. It is from the U.S. Greenhouse Gas Inventory. The values are:

Natural Gas:  
carbon content: 31.7 lb C / Million Btu  
CO2 emissions: 120 lb CO2 / thousand cubic feet

Heating Oil:  
carbon content: 43.9 lb C / Million Btu  
CO2 emissions: 22.3 lb CO2 / gallon

As for the wood pellets, this is not a fuel type that we typically calculate the carbon emissions from for the Inventory because it is of biogenic origin. As of yet, we have not found any available data that would be useful in determining the CO2 emissions associated with combustion of a given mass of wood pellets. We will continue to research this issue and let you know if we find the proper data.

Please let us know if there is anything else we can provide (besides the wood pellet information).

Thank you, Pat

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

[attachment "NortheastPolicyPaper.pdf" deleted by Patricia Haman/DC/USEPA/US]

"Kalra, Amit (Stabenow)"  
<Amit\_Kalra@stabenow.senate.gov>

08/20/2009 02:23 PM

To Patricia Haman

cc

bcc

Subject RE: MRV and Climate Legislation

Patricia-

Great talking to you as well. I know I made the request for just myself, but it may be useful (since this is going that high up in the chain) to get a few other interested Senate offices involved for a face-to-face meeting. Do you think that's a good idea? If not, Tuesday at 4:30 by phone works great for me.

Best,

Amit

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]

Sent: Thursday, August 20, 2009 2:17 PM

To: Kalra, Amit (Stabenow)

Subject: Re: MRV and Climate Legislation

Hi Amit: It was nice to talk to you this morning. I have identified the correct person to speak to you. Because he is acting for Bill Irving, he was a little booked, but 4:30 Tuesday, 8/25, was open so I grabbed that. Lately we have been handling the tech requests via phone because of the volume of requests, but I am wondering if you would prefer a face-to-face discussion for this one. Pat

Patricia Haman

Office of Congressional and Intergovernmental Relations

202-564-2806

From: "Kalra, Amit (Stabenow)" <Amit\_Kalra@stabenow.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

Date: 08/20/2009 09:29 AM

Subject: MRV and Climate Legislation

Patricia-

Jonathan Lubetsky suggested I get in touch with you. I wanted reach out to Bill Irving to discuss the ability of the U.S. accurately monitor, report and verify carbon emissions around the world, and Jonathan said you may be able to assist.

Thanks,

Amit Kalra

Legislative Aide  
Senator Debbie Stabenow (D-MI)  
202-224-4822

"Kalra, Amit (Stabenow)"  
<Amit\_Kalra@stabenow.senate.gov>

08/20/2009 04:55 PM

To Patricia Haman

cc

bcc

Subject RE: MRV and Climate Legislation

Patricia-

All of this sounds great. I'll check-in with some folks and get back with a number. I know Specter's office is interested in this. We are in Hart 133. Thanks for pulling this together so quickly!

Best,

Amit

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]

Sent: Thursday, August 20, 2009 4:45 PM

To: Kalra, Amit (Stabenow)

Subject: RE: MRV and Climate Legislation

We are all set for an in-person meeting. I will come over with Leif Hocksted at 4:30 Tuesday. If you can tell me where we should come and about how many people that would be helpful. (We are going to try to have a short hand-out.) I told Leif to keep this less presentation-y and more informational/discussion-y. Does that sound about right to you?

Patricia Haman

Office of Congressional and Intergovernmental Relations  
202-564-2806

From: "Kalra, Amit (Stabenow)" <Amit\_Kalra@stabenow.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

Date: 08/20/2009 02:23 PM

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Patricia Haman  
Office of Congressional and Intergovernmental Relations  
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From: "Kalra, Amit (Stabenow)" <Amit\_Kalra@stabenow.senate.gov>  
  
To: Patricia Haman/DC/USEPA/US@EPA  
  
Date: 08/20/2009 09:29 AM  
  
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Legislative Aide  
Senator Debbie Stabenow (D-MI)  
202-224-4822

"Kalra, Amit (Stabenow)"  
<Amit\_Kalra@stabenow.senate.gov>

08/21/2009 02:06 PM

To Patricia Haman

cc

bcc

Subject RE: MRV and Climate Legislation

Patricia: So far we have Tom Dower (Rockefeller), James Warner (Specter), a staffer from Levin's office, and 2-3 from Stabenow. That's 7 total on this end in Hart 133. Best, Amit

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]

Sent: Thursday, August 20, 2009 2:17 PM

To: Kalra, Amit (Stabenow)

Subject: Re: MRV and Climate Legislation

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Thanks,

Amit Kalra

Legislative Aide

Senator Debbie Stabenow (D-MI)

202-224-4822



"Bousliman, Pat  
(Finance-Dem)"  
<Pat\_Bousliman@finance-dem.senate.gov>

08/24/2009 05:11 PM

To David McIntosh, "Ransom, Catharine (Baucus)", Patricia Haman

cc

bcc

Subject RE: can we do a quick check-in on two or three modeling questions tonight or first thing in the am?

Great

**From:** McIntosh.David@epamail.epa.gov [mailto:McIntosh.David@epamail.epa.gov]

**Sent:** Monday, August 24, 2009 5:08 PM

**To:** Ransom, Catharine (Baucus); Haman.Patricia@epamail.epa.gov; Bousliman, Pat (Finance-Dem)

**Subject:** Re: can we do a quick check-in on two or three modeling questions tonight or first thing in the am?

Sure. How about 5:15 (i.e., in just a few minutes) on my conference line, which is (b) (6) code (b) (6)

---

**From:** "Ransom, Catharine (Baucus)" [Catharine\_Ransom@baucus.senate.gov]

**Sent:** 08/24/2009 05:03 PM AST

**To:** David McIntosh; Patricia Haman; "Bousliman, Pat (Finance-Dem)"

<Pat\_Bousliman@finance-dem.senate.gov>

**Subject:** can we do a quick check-in on two or three modeling questions tonight or first thing in the am?

***Catharine Cyr Ransom***

Senior Climate and Environmental Advisor

Senator Max Baucus

511 Hart Senate Building

Washington, DC 20510-2602

(202)224-2651

direct: (202)224-7286

fax: (202) 224-9412

catharine\_ransom@baucus.senate.gov



"Kalra, Amit (Stabenow)"  
<Amit\_Kalra@stabenow.senate.gov>

08/25/2009 01:36 PM

To: Patricia Haman

cc

bcc

Subject: RE: MRV and Climate Legislation

We are still on. See you then!

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]

Sent: Tuesday, August 25, 2009 1:36 PM

To: Kalra, Amit (Stabenow)

Subject: RE: MRV and Climate Legislation

Hi Amit: I wanted to confirm that we are still on for 4:30 this afternoon in 133 Hart and that there will be approximately 7 staffers there. Thanks, Pat

Patricia Haman

Office of Congressional and Intergovernmental Relations

202-564-2806

From: "Kalra, Amit (Stabenow)" <Amit\_Kalra@stabenow.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA

Date: 08/21/2009 02:07 PM

Subject: RE: MRV and Climate Legislation

Patricia: So far we have Tom Dower (Rockefeller), James Warner (Specter), a staffer from Levin's office, and 2-3 from Stabenow. That's 7 total on this end in Hart 133. Best, Amit

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [

mailto:Haman.Patricia@epamail.epa.gov]

Sent: Thursday, August 20, 2009 2:17 PM

To: Kalra, Amit (Stabenow)

Subject: Re: MRV and Climate Legislation

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Patricia Haman

Office of Congressional and Intergovernmental Relations

202-564-2806

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To: Patricia Haman/DC/USEPA/US@EPA  
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Subject: MRV and Climate Legislation

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Thanks,

Amit Kalra  
Legislative Aide  
Senator Debbie Stabenow (D-MI)  
202-224-4822

"Albritton, Jason (EPW)"  
<Jason\_Albritton@epw.senate.gov>

09/09/2009 04:33 PM

To Patricia Haman

cc

bcc

Subject Re: your request for a phone call to discuss the allocations table

I could do 5:15.

----- Original Message -----

From: Haman.Patricia@epamail.epa.gov <Haman.Patricia@epamail.epa.gov>

To: Albritton, Jason (EPW)

Sent: Wed Sep 09 15:06:58 2009

Subject: Re: your request for a phone call to discuss the allocations table

Jason: Do you have any time to get on the phone with our folks before 5:30? Thanks, pat

Patricia Haman

Office of Congressional and Intergovernmental Relations

202-564-2806

"Sarri, Kristen (Commerce)"  
<Kristen\_Sarri@commerce.se  
nate.gov>

09/15/2009 11:20 AM

To Arvin Ganesan

cc

bcc

Subject 9/18 Briefing on Verifying Greenhouse Gas Emissions

**Arvin,**

**How are you? Is life treating you well?**

**I wanted to let you know about the following briefing that Commerce is hosting on Friday and invite you and/or staff to attend.**

**I hope all is well. Kris**

## **Briefing**

### **Verifying Greenhouse Gas Emissions**

**Friday, September 18<sup>th</sup> at 2:00pm**  
**SR-253**

Identifying and quantifying human and natural emissions of greenhouse gases is the foundation of any emissions reduction strategy or response to climate change. Effective policy requires monitoring and validation of emissions from specific sources and a comprehensive national and global greenhouse gas monitoring system to validate whether reported emissions reductions are consistent with atmospheric concentrations. This understanding is critical to determining whether domestic and international policy decisions are having their intended effects, and being implemented equitably and efficiently.

Several Federal agencies implement or contribute to greenhouse gas monitoring and observation systems that can serve as the backbone for a comprehensive approach. These agencies include NOAA, NASA, NIST, EPA, DOE, NSF, USGS, and USDA. This briefing will highlight the role that NOAA, NASA and NIST have in monitoring, validating, and verifying greenhouse gas emissions, and the perspectives of business and industry on the role of such scientific efforts.

To date, the contributions of science agencies have been focused on supporting research to understand the role of the carbon cycle and greenhouse gases in climate change. The growing need for scientific verification and support for efforts to mitigate climate change requires enhancing these efforts to develop a sustained, more comprehensive and operationally monitoring system. When combined with federal inventories, self-reporting by industry, fossil fuel use data, and land use data, the federal scientific community's ground- and space-based

observations, carbon-cycle modeling, and strong analytic component completes the comprehensive approach that has proven instrumental in the effective implementation of other policy frameworks for reduction of atmospheric pollutants covered by the *Montreal Protocol*.

*Please join representatives from NOAA, NASA, NIST, and the Chicago Climate Exchange for this informative briefing followed by discussion.*

Arvin Ganesan /DC/USEPA/US

To "Sarri, Kristen (Commerce)"

09/15/2009 11:24 AM

cc

bcc

Subject Re: 9/18 Briefing on Verifying Greenhouse Gas Emissions

Hi there. I can't make it, but I'll send someone.

How's life? Everything OK?

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

"Sarri, Kristen (Commerce)"

Arvin, How are you? Is lif...

09/15/2009 11:20:30 AM

From: "Sarri, Kristen (Commerce)" <Kristen\_Sarri@commerce.senate.gov>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 09/15/2009 11:20 AM  
Subject: 9/18 Briefing on Verifying Greenhouse Gas Emissions

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Arvin Ganesan /DC/USEPA/US

To "Sarri, Kristen (Commerce)"

09/15/2009 11:25 AM

cc

bcc

Subject Re: 9/18 Briefing on Verifying Greenhouse Gas Emissions

Do you want EPA staff to participate?

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

"Sarri, Kristen (Commerce)"

Arvin, How are you? Is lif...

09/15/2009 11:20:30 AM

From: "Sarri, Kristen (Commerce)" <Kristen\_Sarri@commerce.senate.gov>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 09/15/2009 11:20 AM  
Subject: 9/18 Briefing on Verifying Greenhouse Gas Emissions

---

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*Please join representatives from NOAA, NASA, NIST, and the Chicago Climate Exchange for this informative briefing followed by discussion.*

"Sarri, Kristen (Commerce)"  
<Kristen\_Sarri@commerce.se  
nate.gov>

09/15/2009 11:29 AM

To Arvin Ganesan

cc

bcc

Subject RE: 9/18 Briefing on Verifying Greenhouse Gas Emissions

All is well. Busy. We don't need a participant; however, we would like someone to be in the audience in case questions come up. Since a number of agencies are involved, we limited the speakers to CST agencies. We do want to acknowledge all the federal agencies and have them represented.

-----Original Message-----

From: Ganesan.Arvin@epamail.epa.gov [mailto:Ganesan.Arvin@epamail.epa.gov]

Sent: Tuesday, September 15, 2009 11:25 AM

To: Sarri, Kristen (Commerce)

Subject: Re: 9/18 Briefing on Verifying Greenhouse Gas Emissions

Do you want EPA staff to participate?

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

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| From: |  
|----->

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| "Sarri, Kristen (Commerce)" <Kristen\_Sarri@commerce.senate.gov>  
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| To: |  
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| Arvin Ganesan/DC/USEPA/US@EPA  
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| 09/15/2009 11:20 AM

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Please join representatives from NOAA, NASA, NIST, and the Chicago Climate Exchange for this informative briefing followed by discussion.

"Lubetsky, Jonathan  
(Klobuchar)"  
<Jonathan\_Lubetsky@klobuc  
har.senate.gov>

To Patricia Haman

cc

bcc

09/15/2009 12:04 PM

Subject Re: Joint EPA/DOT Proposal to Reduce Greenhouse Gases  
and Improve Fuel Economy

Thanks pat. Charly is no longer with the senator, he has moved on to pew.  
J

----- Original Message -----

From: Haman.Patricia@epamail.epa.gov <Haman.Patricia@epamail.epa.gov>  
To: Lubetsky, Jonathan (Klobuchar); Charly\_Moore@klobuchar.senate.gov  
<Charly\_Moore@klobuchar.senate.gov>  
Sent: Tue Sep 15 11:58:28 2009  
Subject: Fw: Joint EPA/DOT Proposal to Reduce Greenhouse Gases and Improve  
Fuel Economy

I am getting quite a few bouncebacks and got one for Charly so here is  
the announcement in case you folks did not get it earlier. Pat

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

----- Forwarded by Patricia Haman/DC/USEPA/US on 09/15/2009 11:57 AM  
-----

From: Patricia Haman/DC/USEPA/US  
To:  
Cc: Josh Lewis/DC/USEPA/US  
Date: 09/15/2009 11:51 AM  
Subject: Joint EPA/DOT Proposal to Reduce Greenhouse Gases and  
Improve Fuel Economy

Good Morning: We expect this proposal to be signed at noon which is  
when the link below should be live. Briefings will follow. Pat

FOR IMMEDIATE RELEASE  
September 15, 2009

DOT Secretary Ray LaHood and EPA Administrator Lisa P. Jackson Propose  
National Program to Improve Fuel Economy and Reduce Greenhouse Gases

New Interagency Program to Address Climate Change and Energy Security

WASHINGTON - U.S. Department of Transportation (DOT) Secretary Ray  
LaHood and U.S. Environmental Protection Agency (EPA) Administrator Lisa  
P. Jackson today jointly proposed a rule establishing an historic  
national program that would improve vehicle fuel economy and reduce

greenhouse gases. Their proposal builds upon core principles President Obama announced with automakers, the United Auto Workers, leaders in the environmental community, governors and state officials in May, and would provide coordinated national vehicle fuel efficiency and emissions standards. The proposed program would also conserve billions of barrels of oil, save consumers money at the pump, increase fuel economy, and reduce millions of tons of greenhouse gas emissions.

"American drivers will keep more money in their pockets, put less pollution into the air, and help reduce a dependence on oil that sends billions of dollars out of our economy every year," said EPA Administrator Lisa P. Jackson. "By bringing together a broad coalition of stakeholders - including an unprecedented partnership with American automakers - we have crafted a path forward that is win-win for our health, our environment, and our economy. Through that partnership, we've taken the historic step of proposing the nation's first ever greenhouse gas emissions standards for vehicles, and moved substantially closer to an efficient, clean energy future."

"The increases in fuel economy and the reductions in greenhouse gases we are proposing today would bring about a new era in automotive history," Transportation Secretary Ray LaHood said. "These proposed standards would help consumers save money at the gas pump, help the environment, and decrease our dependence on oil - all while ensuring that consumers still have a full range of vehicle choices."

Under the proposed program, which covers model years 2012 through 2016, automobile manufacturers would be able to build a single, light-duty national fleet that satisfies all federal requirements as well as the standards of California and other states. The proposed program includes miles per gallon requirements under NHTSA's Corporate Average Fuel Economy Standards (CAFE) program and the first-ever national emissions standards under EPA's greenhouse gas program. The collaboration of federal agencies for this proposal also allows for clearer rules for all automakers, instead of three standards (DOT, EPA, and a state standard).

Specifically, the program would:

- Increase fuel economy by approximately five percent every year
- Reduce greenhouse gas emissions by nearly 950 million metric tons
- Save the average car buyer more than \$3,000 in fuel costs
- Conserve 1.8 billion barrels of oil

#### Increase Fuel Economy and Reduce Carbon Dioxide Emissions:

The proposed national program would require model year 2016 vehicles to meet an estimated combined average emission level of 250 grams of carbon dioxide per mile. Under the proposed program, the overall light-duty vehicle fleet would reach 35.5 miles per gallon (mpg) in model year 2016, if all reductions were made through fuel economy improvements. If this occurs, Congress' fuel economy goal of 35.0 mpg by 2020 will be met four years ahead of schedule. This would surpass the CAFE law passed by Congress in 2007, which required an average fuel economy of 35 mpg in 2020.

#### Reduce Greenhouse Gases:

Climate change poses a significant long-term threat to America's environment. The vehicles subject to the proposed rules announced today are responsible for almost 60 percent of all U.S. transportation-related greenhouse gas emissions. These will be the nation's first ever national greenhouse gas standards. The proposed standards would require model year 2016 vehicles to meet an estimated combined average emission level

of 250 grams of carbon dioxide per mile under EPA's greenhouse gas program. The combined EPA and NHTSA standards would reduce carbon dioxide emissions from the light-duty vehicle fleet by about 21 percent in 2030 over the level that would occur in the absence of any new greenhouse gas or fuel economy standards. The greenhouse gas emission reductions this program would bring about are equivalent to the emissions of 42 million cars.

**Save Consumers Money:**

NHTSA and EPA estimate that U.S. consumers who purchase their vehicle outright would save enough in lower fuel costs over the first three years to offset the increases in vehicle costs. Consumers would save more than \$3,000 due to fuel savings over the lifetime of a model year 2016 vehicle.

**Conserve Oil and Increase Energy Security:**

The light-duty vehicles subject to this proposed National Program account for about 40 percent of all U.S. oil consumption. The program will provide important energy security benefits by conserving 1.8 billion barrels of oil, which is twice the amount of oil (crude oil and products) imported in 2008 from the Persian Gulf countries, according to the Department of Energy's Energy Information Administration Office. These standards also provide important energy security benefits as light-duty vehicles account for about 60 percent of transportation oil use.

**Within the Auto Industry's Reach:**

EPA and NHTSA have worked closely to develop this coordinated joint proposal and have met with many stakeholders including automakers to insure the standards proposed today are both aggressive and achievable given the current financial state of the auto industry.

NHTSA and EPA expect automobile manufacturers would meet these proposed standards by improving engine efficiency, transmissions and tires, as well as increasing the use of start-stop technology and improvements in air conditioning systems. EPA and NHTSA also anticipate that these standards would promote the more widespread use of advanced fuel-saving technologies like hybrid vehicles and clean diesel engines.

NHTSA and EPA are providing a 60-day comment period that begins with publication of the proposal in the Federal Register. The proposal and information about how to submit comments are at:  
<http://www.epa.gov/otaq/climate/regulations.htm> for EPA and  
<http://www.nhtsa.dot.gov/portal/site/nhtsa/menuitem.43ac99aefa80569eea57529cdba046a0/>

for NHTSA.

**Draft Environmental Impact Statement:**

NHTSA has prepared a Draft Environmental Impact Statement (EIS) for the proposed CAFE standards. The Draft EIS compares the environmental impacts of the agency's proposal and reasonable alternatives. NHTSA is providing a 45-day comment period on the Draft EIS. Information on the submission of comments is provided at the above NHTSA Web address.

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

Josh Lewis /DC/USEPA/US  
09/18/2009 01:09 PM

To: Jessie\_Williams  
cc  
bcc  
Subject: Fw: questions for the record - 7/22 climate change hearing

Just following up on our conversation from earlier this week. We're making progress on the questions for the record. Our revised responses went back to OMB today, and I hope to have final clearance on them early to mid next week. Will keep you posted. Have a good weekend.

Josh Lewis  
USEPA/Office of Congressional and Intergovernmental Relations  
phone: 202-564-2095  
fax: 202-501-1550

----- Forwarded by David McIntosh/DC/USEPA/US on 09/10/2009 05:04 PM -----

From: "Williams, Jessie (Agriculture)" <Jessie\_Williams@agriculture.senate.gov>  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 09/10/2009 05:02 PM  
Subject: RE: FW: questions for the record - 7/22 climate change hearing

---

Thank David. If you wouldn't mind keeping me updated, I would appreciate it.

-----Original Message-----

From: McIntosh.David@epamail.epa.gov [mailto:McIntosh.David@epamail.epa.gov]  
Sent: Wednesday, September 09, 2009 6:25 PM  
To: Williams, Jessie (Agriculture)  
Subject: Re: FW: questions for the record - 7/22 climate change hearing

Hi Jessie,  
EPA's draft responses to those questions are still at OMB. Our staff just checked in with OMB about it. OMB says that OMB will deliver to EPA tomorrow all of the inter-agency comments on EPA's draft responses. We'll try to work through those comments quickly in order to close this out and deliver the final responses to you. As I write this, I'm not sure how voluminous the inter-agency comments are.  
-David

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| From: |  
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| "Williams, Jessie (Agriculture)" <Jessie\_Williams@agriculture.senate.gov>  
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| To: |  
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|David McIntosh/DC/USEPA/US@EPA  
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| Date: |  
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|09/09/2009 03:56 PM  
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| Subject: |  
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|FW: questions for the record - 7/22 climate change hearing  
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Hi David—just wondering if you could give me a status on these questions. Can I expect them by the end of the week?

From: Williams, Jessie (Agriculture)  
Sent: Wednesday, July 29, 2009 2:02 PM  
To: 'McIntosh.David@epamail.epa.gov'  
Subject: questions for the record - 7/22 climate change hearing

Hello David,

Would you make sure Administrator Jackson receives this email? It contains questions for the record from the climate change hearing.  
Thanks!

Thank you for participating in the climate change hearing on July 22nd. The Committee Members have submitted questions for the record to the witnesses. Attached are the questions that the Senators would like you to answer. The document is in Word format, so you can type in your responses below each question. Please email your responses to me no later than Friday, September 4th. Feel free to contact me if you have any questions or concerns.

Thank you,  
Jessie

---

Jessie Williams

Chief Clerk  
Senate Committee on Agriculture, Nutrition, & Forestry  
202-224-7938  
(See attached file: Questions\_Jackson.doc)

"Lubetsky, Jonathan  
(Klobuchar)"  
<Jonathan\_Lubetsky@klobuc  
har.senate.gov>

09/22/2009 11:07 AM

To Patricia Haman  
cc Josh Lewis, Arvin Ganesan  
bcc

Subject RE: EPA Mandatory Reporting Rule has been signed

Thank you for sending this on Pat. Do you know if fact sheets are available or will be available on specific sectors? When materials are available, could you please pass along any specifically on reporting for the agriculture sector.

Thanks,  
Jonathan

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Tuesday, September 22, 2009 10:34 AM  
Cc: Lewis.Josh@epamail.epa.gov; Ganesan.Arvin@epamail.epa.gov  
Subject: EPA Mandatory Reporting Rule has been signed

(See attached file: MRR PR 9-22-09.doc)

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

"Lubetsky, Jonathan  
(Klobuchar)"  
<Jonathan\_Lubetsky@klobuc  
har.senate.gov>

09/22/2009 11:34 AM

To Josh Lewis

cc Arvin Ganesan, Patricia Haman

bcc

Subject RE: EPA Mandatory Reporting Rule has been signed

Thank you Josh and Pat for your help.

Jonathan

-----Original Message-----

From: Lewis.Josh@epamail.epa.gov [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Tuesday, September 22, 2009 11:33 AM

To: Lubetsky, Jonathan (Klobuchar)

Cc: Ganesan.Arvin@epamail.epa.gov; Haman.Patricia@epamail.epa.gov

Subject: RE: EPA Mandatory Reporting Rule has been signed

Hi Jonathan,

Materials are just going up on the web now. See  
<http://www.epa.gov/climatechange/emissions/ghgrulemaking.html> for the  
fact sheet, FAQs, etc. There will be sector-specific sheets available  
shortly. I'll send you a pdf of the ag sector one as soon as I have it.

Josh Lewis

USEPA/Office of Congressional and Intergovernmental Relations

phone: 202-564-2095

fax: 202-501-1550

|----->  
| From: |  
|----->

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| "Lubetsky, Jonathan (Klobuchar)" <Jonathan\_Lubetsky@klobuchar.senate.gov>  
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| To: |  
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| Patricia Haman/DC/USEPA/US@EPA  
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| Cc: |  
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|Josh Lewis/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
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| Date: |  
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|09/22/2009 11:07 AM  
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|----->  
| Subject: |  
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|RE: EPA Mandatory Reporting Rule has been signed  
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>-----  
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Thank you for sending this on Pat. Do you know if fact sheets are available or will be available on specific sectors? When materials are available, could you please pass along any specifically on reporting for the agriculture sector.  
Thanks,  
Jonathan

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [  
mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Tuesday, September 22, 2009 10:34 AM  
Cc: Lewis.Josh@epamail.epa.gov; Ganesan.Arvin@epamail.epa.gov  
Subject: EPA Mandatory Reporting Rule has been signed

(See attached file: MRR PR 9-22-09.doc)

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

"Lutt, Erick (Ben Nelson)"  
<Erick\_Lutt@bennelson.senate.gov>

09/24/2009 10:58 AM

To David McIntosh

cc Josh Lewis, Jessica Gordon, Patricia Haman, Arvin Ganesan

bcc

Subject RE: Letter from Administrator Jackson to Senator Nelson

Thank you.

-----Original Message-----

From: McIntosh.David@epamail.epa.gov [mailto:McIntosh.David@epamail.epa.gov]

Sent: Thursday, September 24, 2009 10:39 AM

To: Lutt, Erick (Ben Nelson)

Cc: Lewis.Josh@epamail.epa.gov; Gordon.Jessica@epamail.epa.gov;

Haman.Patricia@epamail.epa.gov; Ganesan.Arvin@epamail.epa.gov

Subject: Letter from Administrator Jackson to Senator Nelson

Hi Erick,

Attached, please find a courtesy electronic copy of yesterday's letter from Administrator Jackson to Senator Nelson.

Regards,

David

564-0539

(See attached file: Nelson Letter.pdf)

"Miller, Chris (Reid)"  
<Chris\_Miller@reid.senate.gov>  
v>

09/30/2009 01:50 PM

To Patricia Haman

cc

bcc

Subject RE: tailoring rule announcement will go at 2 pm now - fyi

Thanks for the heads up

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]

Sent: Wednesday, September 30, 2009 1:06 PM

To: Miller, Chris (Reid)

Subject: tailoring rule announcement will go at 2 pm now - fyi

Don't know about the timing of the Johnson memo now, but will send materials as soon as they are cleared.

Patricia Haman

Office of Congressional and Intergovernmental Relations

202-564-2806

"Black, Jonathan (Energy)"  
<Jonathan\_Black@energy.se  
nate.gov>

10/07/2009 02:31 PM

To ""Terry Dinan"", ""Larry Parker"", Patricia Haman,  
""Rasmussen, Erik (EIA)""

cc

bcc

Subject FW: FULL COMMITTEE HEARING ANNOUNCEMENT...

Hearing announcement just went out.

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**From:** Bennett, Mia (Energy)

**Sent:** Wednesday, October 07, 2009 2:30 PM

**To:** Chestnut, Monica (Energy); Foard, Dawson (Energy); Fox, Anna (Energy); Gins, Meagan (Energy); Green, Wanda (Energy); Hall, Nancy (Energy); Passmore, Amber (Energy);

(b) (6) Bass, Dave (SAA); Chendorain, Samantha (Secretary); Chris Gaskill; DailyDigest; info@aldersonreporting.com; Jarvis, Libby (McConnell); Kornze, Neil (Reid); Martin Schweitzer; Matt Seal; Miller, Chris (Reid); Miller, Drew (SAA); Dorn, Derek (Bingaman); Epstein, Jonathan (Bingaman); Martel, Ryan (Bingaman); Phan, Jeffry (Bingaman); Rodriguez, Ernesto (Bingaman); Fisher, David (Murkowski); Hild, Edward (Murkowski); Adamo, Chris (Stabenow); Adams, Wendy (Mark Udall); Alpert, Dan (Bingaman); Altemus, Michele (Landrieu); Barkemeyer, Julie (Lincoln); Bauserman, Trent (Shaheen); Berick, Dave (Wyden); Bormet, Matt (Wyden); Bowen, Matthew (Mark Udall); Connolly, Hal (Menendez); Craddock, Elizabeth (Landrieu); Cunningham, Chris (Dorgan); Dewey, Sara (Shaheen); Fauerbach, Erin (Wyden); Gren, Janelle (Johnson); Hamilton, Jonna (Dorgan); Knutsen, Kelly (Mark Udall); Love, Kim (Stabenow); Lutz, Ken (Wyden); McCartin, Jude (Bingaman); McDermott, Christa (Menendez); Merkel, Joel (Cantwell); Michels, Thomas (Landrieu); Miranda, Michele (Wyden); Murray, Chris (Bayh); Najera, Maria (Bingaman); Nosler, Val (Bayh); Philipp, Olivia (Landrieu); Rich, Robert (Sanders); Ronen, Amit (Cantwell); Runci, Paul (Cantwell); Schultz, Adam (Wyden); Serafini, Ted (Lincoln); Sheinkman, Joshua (Wyden); Sloss, Stan (Mark Udall); Souza, Matthew (Cantwell); Springer, Darren (Sanders); Stowers, Jim (Lincoln); Stubbendieck, Todd (Johnson); Taurel, Alex (Menendez); Thornblad, Matt (Johnson); VanKuiken, Matt (Stabenow); Wuerfmannsdobler, Franz (Appropriations); Yudin, Michael (Shaheen); Barter, Madeline (Sessions); Beal, Maggie (Barrasso); Bergerbest, Nathan (Murkowski); Bohrer, Jason (Risch); Brooks, Margaret (Burr); Campbell, McKie (Energy); Clifford, Brian (Barrasso); Dean, Kim Taylor (Bunning); Delich, Mark (McCain); Dunn, Caitlin (McCain); Fulmer, Landon (Brownback); Guries, Darin (Brownback); Haysbert, John (Brownback); Henderson, William (Bunning); Loper, Shea (Barrasso); Matiella, Nick (McCain); Morgan, Derrick (RPC); O'Malia, Scott (Appropriations); Owens, Tyler (Bennett); Pahwa, Kunal (Bunning); Palagyi, Paul (Corker); Palmer, Ashley (Corker); Parker, Darren (Risch); Shute, Melissa (Sessions); Spickard, Justin (Corker); Stewart, Bryn (Barrasso); Tallent, Rebecca (McCain); Timoney, Sarah (Bunning); Wallner, James (Sessions); Weishaar, Kara (Burr); Wood, Phillip (Bennett); Woodey, Chelsee (Bunning); Beach, Christy (Dorgan); Bennett, Mia (Energy); Binkley, Wayne (Wyden); Burkhardt, Justin (Shaheen); Carpenter, Lisa (Mark Udall); Cherkezian, Stephanie (Bayh); Dean, Sonja (Johnson); Derr, Sallie (Wyden); Hubbard, Ryan (Cantwell); Kelly, Robert (Menendez); Kohler, Keri (Bayh); Landrieu, Scheduler (Landrieu); Landry, Doug (Bayh); McCarthy, Matt (Cantwell); McGowan, Molly (Lincoln); Nicolai, Kate (Landrieu); Oliver, Sylvia (Dorgan); Stanski, Anne (Stabenow); Thompson Horowitz, Liz (Lincoln); Van Tassell, Margaret (Sanders); White, Virginia (Bingaman); Bell, Susan (Burr); Cahill, Ellen (McCain); Carter, Hall (Bennett); Daimler-Nothdurft, Kristen (Murkowski); Gallagher, Devon (Brownback); Hermann, Megan (Energy); Hollis, Kate (Sessions); Kermick, Vanessa (Risch); Lessen, Ramona (Corker); Piggott, Maggie (Burr); Sohriakoff, Anna (Bunning); Wise, Kathi (Barrasso); Anderson, Allyson (Energy); Beneke, Patricia (Energy); Billingsley, Tara (Energy); Black, Jonathan (Energy); Brooks, David (Energy); Calabro, Rosemarie (Energy); Campbell, Abigail (Energy); Carr, Michael (Energy); Corless, Virginia (Energy); Epstein, Jonathan (Energy); Estes, Deborah (Energy); Fowler, Sam (Energy); Gauthier, Mike (Energy); Jackson, Alicia (Energy); Kelly, Amanda (Energy); Lance, Linda (Energy); Lowery, Leon (Energy); Marks, David (Energy); Miller, Scott (Energy); Rennert, Kevin (Energy); Seyferth, Allison (Energy); Silva-Banuelos, Jorge (Energy); Simon, Bob (Energy); Stayman,



Allen (Energy); Trujillo, Tanya (Energy); Tucker, Sara (Energy); Walser, Maggie (Energy); Weinstock, Gina (Energy); Wicker, Bill (Energy); Billups, Karen (Energy); Dillon, Robert (Energy); Donnelly, Kellie (Energy); Drew, Whitney (Energy); Edwards, Isaac (Energy); Froehlich, Kaleb (Energy); Gladics, Frank (Energy); Hayes, Colin (Energy); Hughes, Brian (Energy); Johnson, Anne (Energy); Johnson, Josh (Energy); Kleeschulte, Chuck (Energy); Simpson, Kevin (Energy); Smith, Kari (Energy); Valentine, Tim (Energy)

**Subject:** FULL COMMITTEE HEARING ANNOUNCEMENT...

**Importance:** High

*This is to advise you that a hearing scheduled before the Senate Committee on Energy and Natural Resources, previously announced for October 1st, has been **rescheduled and will now be held on Wednesday, October 14, 2009, at 10:00 a.m.***

*The purpose of this hearing is to receive testimony on Energy and Related Economic Effects of Global Climate Change Legislation.*

*For further information, please contact Jonathan Black at (202) 224-6722 or Gina Weinstock at (202) 224-5684.*

***Mia'***

Mia' J. Bennett, Chief Clerk  
Senate Energy and  
Natural Resources Committee  
202.224.7147  
202.224.9026 [fax]

"Majors, Heather (EPW)"  
<Heather\_Majors@epw.senate.gov>

10/07/2009 05:19 PM

To Josh Lewis  
cc Patricia Haman  
bcc

Subject RE: EPA responses to Questions from the July 7th EPW hearing

Thanks Josh!

-----Original Message-----

From: Lewis.Josh@epamail.epa.gov [mailto:Lewis.Josh@epamail.epa.gov]  
Sent: Wednesday, October 07, 2009 4:32 PM  
To: Majors, Heather (EPW)  
Cc: Haman.Patricia@epamail.epa.gov  
Subject: EPA responses to Questions from the July 7th EPW hearing

Hi Heather,

Please see attached. Thanks.

(See attached file: July 7 EPW QfRs FINAL 10 07 09.doc)

Josh Lewis  
USEPA/Office of Congressional and Intergovernmental Relations  
phone: 202-564-2095  
fax: 202-501-1550

"Weinstock, Gina (Energy)"  
<Gina\_Weinstock@energy.senate.gov>

10/07/2009 05:54 PM

To Patricia Haman

cc

bcc

Subject Rescheduled ENR hrg. (10/14/09)

Hello, Pat:

The hearing originally scheduled for September 17<sup>th</sup> has just been rescheduled for next Wednesday, October 14<sup>th</sup> (the notice is below). The logistics, other than the date and the time are identical as the hearings that we have previously planned. We are hopeful that Mr. Harvey is still able to join us to testify before the Committee. Could you please let me know if you'd like for us to send a formal invitation letter that reflects the new date and time of the hearing?

Also, please confirm whether there may be a witness change or changes in testimony from that which was previously submitted. Please let me know if you need anything else on our end.

Thank you,  
Gina

Gina Weinstock  
Staff Assistant  
United States Senate  
Committee on Energy & Natural Resources  
[Gina\\_Weinstock@energy.senate.gov](mailto:Gina_Weinstock@energy.senate.gov)  
202-224-5684

---

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*For further information, please contact Jonathan Black at (202) 224-6722 or Gina Weinstock at (202) 224-5684.*

"Weinstock, Gina (Energy)"  
<Gina\_Weinstock@energy.senate.gov>

10/07/2009 06:08 PM

To Patricia Haman

cc

bcc

Subject RE: Rescheduled ENR hrg. (10/14/09)

Thanks, Pat!

Gina Weinstock  
Staff Assistant  
United States Senate  
Committee on Energy & Natural Resources  
Gina\_Weinstock@energy.senate.gov  
202-224-5684

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Wednesday, October 07, 2009 6:06 PM  
To: Weinstock, Gina (Energy)  
Subject: Re: Rescheduled ENR hrg. (10/14/09)

Hi Gina: Everything is the same on our end. Both Reid and Allen are planning to be there. I will send a new pdf of the testimony with the new date on it hopefully tomorrow. Pat

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

From: "Weinstock, Gina (Energy)" <Gina\_Weinstock@energy.senate.gov>  
To: Patricia Haman/DC/USEPA/US@EPA  
Date: 10/07/2009 05:54 PM  
Subject: Rescheduled ENR hrg. (10/14/09)

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Thank you,  
Gina

Gina Weinstock  
Staff Assistant  
United States Senate  
Committee on Energy & Natural Resources  
Gina\_Weinstock@energy.senate.gov  
202-224-5684

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The purpose of this hearing is to receive testimony on Energy and Related Economic Effects of Global Climate Change Legislation.

For further information, please contact Jonathan Black at (202) 224-6722 or Gina Weinstock at (202) 224-5684.

"Weinstock, Gina (Energy)"  
<Gina\_Weinstock@energy.senate.gov>

10/13/2009 09:33 AM

To Patricia Haman

cc

bcc

Subject RE: Rescheduled ENR hrg. (10/14/09)

Hi, Pat:

Hope you had a nice long weekend. This is just a reminder that we're waiting on the pdf file reflecting the hearing date as tomorrow. Please let me know if you need anything as well.

Thanks,  
Gina

Gina Weinstock  
Staff Assistant  
United States Senate  
Committee on Energy & Natural Resources  
Gina\_Weinstock@energy.senate.gov  
202-224-5684

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Wednesday, October 07, 2009 6:06 PM  
To: Weinstock, Gina (Energy)  
Subject: Re: Rescheduled ENR hrg. (10/14/09)

Hi Gina: Everything is the same on our end. Both Reid and Allen are planning to be there. I will send a new pdf of the testimony with the new date on it hopefully tomorrow. Pat

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

From: "Weinstock, Gina (Energy)" <Gina\_Weinstock@energy.senate.gov>  
To: Patricia Haman/DC/USEPA/US@EPA  
Date: 10/07/2009 05:54 PM  
Subject: Rescheduled ENR hrg. (10/14/09)

Hello, Pat:

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letter that reflects the new date and time of the hearing?

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Gina

Gina Weinstock  
Staff Assistant  
United States Senate  
Committee on Energy & Natural Resources  
Gina\_Weinstock@energy.senate.gov  
202-224-5684

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"Weinstock, Gina (Energy)"  
<Gina\_Weinstock@energy.senate.gov>

10/13/2009 11:09 AM

To Patricia Haman

cc

bcc

Subject RE: epa testimony with a new date on it

Thanks!

Gina Weinstock  
Staff Assistant  
United States Senate  
Committee on Energy & Natural Resources  
Gina\_Weinstock@energy.senate.gov  
202-224-5684

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Tuesday, October 13, 2009 11:02 AM  
To: Weinstock, Gina (Energy)  
Cc: Lewis.Josh@epamail.epa.gov  
Subject: epa testimony with a new date on it

Hi Gina: Here you go:

(See attached file: EPA SENR testimony.Harvey.101409-final.pdf)

It is the same testimony except for the date change.

Pat  
Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806



"Springer, Darren (Sanders)"  
<Darren\_Springer@sanders.senate.gov>

10/13/2009 04:22 PM

To Patricia Haman

cc

bcc

Subject RE: Senate ENR hearing tomorrow on climate economic analysis

I don't think he will be there

Darren M. Springer, Esq.  
Energy and Environment LA  
Office of U.S. Senator Bernie Sanders  
332 Dirksen Senate Office Building  
(202) 224-5141  
darren\_springer@sanders.senate.gov

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Tuesday, October 13, 2009 4:22 PM  
To: Springer, Darren (Sanders)  
Subject: Senate ENR hearing tomorrow on climate economic analysis

Hi Darren: I am checking in to see if you think your boss will be able to make the hearing tomorrow, and if so, if there are any questions he may have that you can share ahead of time. Thanks, Pat

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

"VanKuiken, Matt (Stabenow)"  
<Matt\_VanKuiken@stabenow.senate.gov>

10/13/2009 05:00 PM

To "Kalra, Amit (Stabenow)", Patricia Haman

cc

bcc

Subject RE: tomorrow's Senate ENR hearing on climate economic analyses

Hey Patricia!

I think that we will be interested in the role that offsets play in controlling costs. We are playing around with a question about the differences between the international/domestic offset balance in the house bill and the senate's. The senate of course leans almost 75% of total offset allowances coming from domestic.

Bottom line: we are interested in what role international offsets play and what the difference in the bills means

-----Original Message-----

From: Kalra, Amit (Stabenow)  
Sent: Tuesday, October 13, 2009 4:55 PM  
To: 'Haman.Patricia@epamail.epa.gov'  
Cc: VanKuiken, Matt (Stabenow)  
Subject: RE: tomorrow's Senate ENR hearing on climate economic analyses

I'm ccing Matt VanKuiken. Think he was handling this hearing.

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Tuesday, October 13, 2009 4:48 PM  
To: Kalra, Amit (Stabenow)  
Subject: Fw: tomorrow's Senate ENR hearing on climate economic analyses

Hi Amit: I got a bounce back from Chris saying he is out of the office. Can you help with this? Thanks, Pat

Patricia Haman

Office of Congressional and Intergovernmental Relations  
202-564-2806

----- Forwarded by Patricia Haman/DC/USEPA/US on 10/13/2009 04:46 PM  
-----

From: Patricia Haman/DC/USEPA/US  
To: chris\_adamo@stabenow.senate.gov  
Date: 10/13/2009 04:34 PM  
Subject: tomorrow's Senate ENR hearing on climate economic analyses

Hi Chris: I am checking in to see if your boss is planning to attend tomorrow's Senate Energy hearing, and if so, if there are any questions we should be prepared for ahead of time. Thanks, Pat

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

"Ronen, Amit (Cantwell)"  
<Amit\_Ronen@cantwell.senate.gov>

10/13/2009 05:25 PM

To Patricia Haman

cc

bcc

Subject RE: tomorrow's Senate ENR hearing on climate economic analyses

Dear Patricia:

Sen. Cantwell is planning to attend tomorrow morning's ENR hearing. I think she will probably ask questions on some of the following topics:

- \* Impacts of Waxman-Markey on future foreign oil dependence, seasonal fluctuations in energy prices, and the U.S. fuel mix.
- \* The likelihood of offset availability in the quantities and of the quality that would be needed under Waxman-Markey, and policy impacts in the absence of sufficient offsets.
- \* Modeling assumptions and results regarding the future of nuclear energy under Waxman-Markey.
- \* Management of energy/carbon price volatility for consumer protection and to stimulate investment in energy technology.
- \* Complexity as a multiplier of uncertainty in Waxman-Markey.

We look forward to seeing you tomorrow.

Thanks,

Amit

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]  
Sent: Tuesday, October 13, 2009 4:57 PM  
To: Ronen, Amit (Cantwell); Runci, Paul (Cantwell)  
Subject: tomorrow's Senate ENR hearing on climate economic analyses

Hi: I am checking in to see if your boss is planning to attend tomorrow's Senate Energy hearing, and if so, if there are any questions we should be prepared for ahead of time. Thanks, Pat

Patricia Haman  
Office of Congressional and Intergovernmental Relations  
202-564-2806

"Miller, Chris (Reid)"  
<Chris\_Miller@reid.senate.gov>  
v>

10/27/2009 05:55 PM

To "Sarah\_Bittleman@ios.doi.gov", David McIntosh, Arvin  
Ganesan, "Maher, Jessica A."

cc

bcc

Subject FW: Summary: FY10 Interior Appropriations and Continuing  
Resolution

fyi

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**From:** Mulvenon, Ryan (DPC) [mailto:Ryan\_Mulvenon@dpc.senate.gov]

**Sent:** Tuesday, October 27, 2009 5:53 PM

**To:** Miller, Chris (Reid); Kornze, Neil (Reid)

**Subject:** FW: Summary: FY10 Interior Appropriations and Continuing Resolution

**In case you don't have.**

**If/when you get text and the explanatory statement—please shoot it my way if you can.**



## COMMITTEES ON APPROPRIATIONS

Daniel K. Inouye (D-HI), Chairman  
United States Senate

David R. Obey (D-WI), Chairman  
U.S. House of Representatives

**Tuesday, October 27, 2009**

Contact: Rob Blumenthal / John Bray, w/Inouye (202) 224-7363  
Ellis Brachman / Jenilee Keefe Singer, w/Obey (202) 225-2771

## **FY2010 CONFERENCE SUMMARY: INTERIOR APPROPRIATIONS**

WASHINGTON – The conferees of the Senate and the House of Representatives met today to approve the Interior and Environment Appropriations Bill for fiscal year 2010, which provides the resources necessary to meet Federal stewardship obligations and to help protect the environment, including funding for the Department of the Interior, the Environmental Protection Agency, the Forest Service and other related agencies.

Overall, the Conference Agreement helps communities and public lands by focusing on five priority areas:

1. Water infrastructure and environmental protection needs
2. Firefighting and fuels reduction on Federal lands

3. Bolstering our public land management agencies
4. Protecting public lands through the Land and Water Conservation Fund
5. Helping the most vulnerable in Indian Country

The bill includes \$32.2 billion in discretionary budget authority, a \$4.7 billion increase over the fiscal year 2009 enacted level. The majority of that increase goes to clean and safe drinking water infrastructure (\$2 billion), restoration of the Great Lakes (\$415 million), climate change (\$155 million), wildfire suppression (\$526 million), and meeting Native American needs (\$705.7 million).

Recognizing that the recent increases in the length and severity of wildfire seasons have been accompanied by exponential increases in the cost of wildland fire suppression, the conference agreement includes the Federal Land Assistance, Management and Enhancement (FLAME) Act of 2009, which is intended to help create a dedicated, steady and predictable funding stream for wildfire suppression activities.

#### **Bill Total**

2009 Enacted:	\$27.58 billion
2010 President's Request:	\$32.33 billion
House Passed:	\$32.30 billion
Senate Passed:	\$32.10 billion
<b>Conference Agreement:</b>	<b>\$32.24 billion</b>

## **KEY INVESTMENTS**

**Environmental Protection Agency:** \$10.3 billion, \$2.7 billion above 2009, to restore and protect the quality of our nation's air, water and land.

- **Clean Drinking Water & Wastewater:** \$3.6 billion to help nearly 1,500 communities improve their drinking water and wastewater systems, an increase of \$2 billion above 2009. EPA estimates a \$662 billion construction need by 2019 for clean and safe drinking water infrastructure.
  - \$2.1 billion for the Clean Water State Revolving Fund to fund local sewer improvements and help communities meet the goals of the Clean Water Act.
  - \$1.38 billion for the Drinking Water State Revolving Fund to protect public health by improving drinking water systems.
  - \$157 million for direct grants to communities for water infrastructure.
  - In addition, a substantial portion of the State Revolving Funds will be available as grants and subsidized loans to communities that cannot afford to pay back conventional loans.
- **Great Bodies of Water:** \$641 million, \$63 million above the request, to protect the nation's great water bodies including the Great Lakes, San Francisco Bay, Puget Sound, and the Chesapeake Bay.
  - \$475 million for the Great Lakes Restoration Initiative, which will involve the coordination and collaboration of 16 Federal agencies, the States of the Great Lakes Region, local government, and citizens groups in an effort to restore the source of 20 percent of the world's fresh surface water.

- **Hazardous Waste and Toxic Site Cleanup:** \$1.5 billion, \$25 million above 2009, to clean up dangerous toxic waste at sites around the nation. This amount includes:
  - \$605 million for Superfund activities to clean up hazardous substances at more than 1,500 of the nation's worst toxic waste sites.
  - \$113 million to inspect and clean up toxic spills from underground storage tanks.
  - \$100 million for evaluation and cleanup of Brownfields former industrial and commercial sites to make problem properties ready for development and productive community use.

**Climate Change:** \$385 million, \$155 million above 2009, for programs that address global climate change.

- \$28 million to implement the Energy Independence and Security Act, including \$21 million to meet its requirement that the U.S. produce 36 billion gallons of renewable fuels by 2022, and \$7 million for carbon sequestration research at the U.S. Geological Survey.
- \$51 million for EPA's Energy Star program, which saves consumers \$14 billion a year in energy costs by letting them know appliances' energy efficiency.
- \$10 million for new grants at EPA to encourage local communities to find ways to cut their greenhouse gas emissions.
- \$17 million to continue development of a Greenhouse Gas Registry, a first step in controlling greenhouse gasses.
- \$67 million for priority climate change research at the U.S. Geological Survey, an increase of \$22 million over 2009.
- \$55 million for Interior land management bureaus for on-the-ground monitoring and adaptation to climate change impacts in national parks, national wildlife refuges, and other public lands.
- \$32 million for climate change research at the Forest Service, an increase of \$5 million over 2009, for carbon inventory, experiments and modeling of vegetation response to changing climates and adaptation of habitats to global warming.
- \$15 million, as requested, for the National Global Warming and Wildlife Science Center at the U.S. Geological Survey for wildlife adaptation to climate change.
- \$58 million to promote the development of renewable clean energy sources on Federal lands and waters.

**Native American and Alaska Native Programs:** \$6.7 billion, \$705.7 million above 2009 and \$91 million above the request, for programs to support and improve health care, education, public safety and human services for Native Americans and Alaska Natives throughout our nation.

- **Indian Health Service:** \$4.1 billion, \$17.8 million above the request and \$471.3 million above 2009, to support both Federal and tribally operated health care programs and facilities.
  - \$381.7 million above 2009 for clinical services, including contract care, urban Indian health programs, domestic violence prevention and substance abuse prevention initiatives.
  - \$4.6 million above 2009 for health facilities construction, sanitation projects and medical equipment.
- **Bureau of Indian Affairs:** \$2.6 billion, \$2.3 million above 2009 and \$82 million above the request for education, law enforcement, and economic development programs that will

strengthen Native communities.

- \$81 million increase for K-12 and tribal college programs, including \$50 million to forward fund tribal colleges so they can better plan for the academic year.
- \$328.9 million for public safety and justice programs, \$58.1 million above 2009 and \$20 million above the request to support additional law enforcement officers, increase tribal detention center staffing and tribal courts.

**Wildland Fire:** \$3.5 billion for efforts to prevent and fight wildfires at the Forest Service and the Department of the Interior, including hazardous fuels reduction projects, State and volunteer fire assistance activities, and forest health projects.

- \$1.855 billion for wildfire suppression, \$526 million above 2009, and the largest non-emergency increase for firefighting ever provided.
  - \$474 million for the newly authorized FLAME wildfire suppression reserve accounts.
- \$556.5 million for hazardous fuels reduction projects, \$25 million above 2009, to help prevent, and reduce the severity of, wildfires by reducing available material to burn.
- \$474 million for the newly authorized FLAME Wildfire Suppression Reserve Fund accounts. The FLAME Act of 2009 is included in the bill, as discussed below.
- \$110 million for State Fire Assistance grants, \$20 million above 2009.

**National Parks:** \$2.7 billion, \$47 million above the request and \$218 million above 2009 for the National Park Service, including:

- \$2.2 billion for operation of the national park system, \$130 million above 2009.
- Funding for the 10-year initiative to restore our national parks before the 100th anniversary of the National Park Service in 2016.
- \$15 million for the new Park Partnership Project Grants Program, which is a 50/50 match program to leverage private dollars committed to enhance our national parks.

**National Wildlife Refuge System:** \$503.3 million, \$20 million above the request and \$40.4 million above 2009, to provide critically needed staff, implement climate change strategies, and improve conservation efforts.

**U.S. Forest Service (non-fire):** \$2.78 billion, \$74 million above the request and \$166.4 million above 2009 for the U.S. Forest Service, including:

- \$90 million for the Legacy Road and Trail Remediation program to protect streams and water systems from damaged forest roads.
- \$77 million for the Forest Legacy Land Conservation Program, a \$27 million increase above 2009.



- \$145 million for law enforcement activities, a \$10 million increase above 2009. The increase will be used to help mitigate drug operations on national forest lands.

**Bureau of Land Management:** \$1.1 billion, \$100 million above 2009, including \$64 million for wild horse and burro management, an increase of \$23 million above enacted, full funding for the oil and gas management programs, and \$31 million for national monuments and conservation areas.

**Land and Water Conservation Fund:** \$450 million to protect lands for conservation, recreation, and wildlife habitat.

**National Foundation for the Arts and Humanities:** \$335 million, \$12.4 million above the request and \$25 million above 2009 to support projects of excellence and foster greater access to our nation's cultural heritage, including \$167.5 million for the National Endowment for the Arts and \$167.5 million for the National Endowment for the Humanities.

**Smithsonian:** \$761.4 million, \$2.2 million above the request and \$5 million above 2009, to support the world's largest museum and research complex, including:

- \$30 million previously appropriated for the Smithsonian Legacy Fund, a public-private partnership has been redirected to facilitate renovation of the historic Arts and Industries Building on the National Mall, which has been closed since 2005.
- \$20 million for planning and design of the new National Museum of African American History and Culture to be built on the National Mall.

## **SIGNIFICANT ADJUSTMENTS**

The bill contains over \$149 million in program terminations, reductions and other savings from the fiscal year 2009 level and over \$214 million from the budget request. Included in this amount is a \$40 million rescission from EPA prior-year STAG account funds and \$19 million in reductions from a number of requested increases for EPA administrative functions. The bill does not fund the new Protecting National Forests initiative, a reduction of \$50 million below the request, because it appears to be largely duplicative of the proven legacy road and trail remediation program. The bill also denies \$28 million requested for a new initiative in Federal aid in wildlife restoration program due to concerns about implementation of the program.

## **IMPORTANT POLICY ITEMS**

**FLAME Act of 2009:** The conference agreement includes the Federal Land Assistance, Management and Enhancement Act (FLAME) of 2009. As provided in the agreement, the FLAME Act includes a number of firefighting budget reforms to help create a dedicated, steady and predictable funding stream for wildfire suppression activities. FLAME Funds have been established for the Forest Service and Department of the Interior to cover the costs of large or complex wildfire events and as a reserve when amounts provided for wildfire suppression and Federal emergency response in the regular Wildland Fire Management appropriation accounts are exhausted.

**MMS Outer Continental Shelf Inspection Fee:** Language is included, as requested, to implement a new fee for inspections of offshore oil and gas facilities. This nominal fee of \$2,000 to \$6,000 per facility per year, will provide \$10 million to partially offset the cost of the inspection program.

**MMS State Royalty Revenue Sharing:** Language is included, as in previous years, which takes 2 percent of the Federal royalties from oil, gas, and mineral extraction (\$45 million) to partially offset the cost of administering the program. This provision was not included in the request.

**Greenhouse Gas Emissions Reporting:** Language is included that prohibits EPA from requiring mandatory greenhouse gas emissions reporting from manure management systems.

**Davis-Bacon:** Language is included that applies Davis-Bacon prevailing wage requirements to the Clean Water and Drinking Water State Revolving Funds.

**Guantanamo Detainees:** Language is included that 1) Prohibits current detainees from being released into the continental United States, Alaska, Hawaii, DC, or any U.S. territory. 2) Prohibits current detainees from being transferred to the continental United States, Alaska, Hawaii, DC, or any U.S. territory, except to be prosecuted and only 45 days after Congress receives a plan detailing: risks involved and a plan for mitigating such risk; cost of the transfer; legal rationale and court demands; and a copy of the notification provided to the Governor of the receiving State 14 days before a transfer with a certification by the Attorney General that the individual poses little or no security risk. 3) Current detainees cannot be transferred or released to another country (including freely associated states) unless the President submits to Congress 15 days prior to such transfer: the name of the individual and the country the individual will be transferred to; an assessment of risks posed and actions taken to mitigate such risks; and the terms of the transfer agreement with the other country, including any financial assistance. 4) Requires the President to submit a report to Congress describing the disposition of each current detainee before the facility can be closed.

## Continuing Resolution

Highlights of the continuing resolution (CR) to allow continued government operations through December 18, 2009:

**Ongoing programs:** The CR continues funding at FY2009 levels for most programs in the 2009 Omnibus Appropriations Act; the 2009 Consolidated Security, Disaster Assistance, and Continuing Appropriations Act; and all supplemental appropriations for defense in fiscal year 2009; and continues all measures that were included under the last continuing resolution that have not been superseded by legislative action.

**SBA 7(a) Loan Program:** The CR allows the Small Business Administration to use additional budget authority to prevent a termination of loan guarantees for small businesses under the 7(a) Loan Program during the period of the CR. The 7(a) Loan Program is SBA's primary program to help start-up and existing small businesses obtain financing when they might not be eligible for business loans through normal lending channels.

**Maintaining Housing Loan Limits:** The CR maintains loan limits for FHA, GSE and HECM single family mortgages at \$729,750 through end of calendar year 2010. While those loan limits aren't scheduled to go down to \$625,500 until January 1, if not maintained at the higher level now, the mortgage industry will begin to plan for loans at the lower amount. This could result in

major disruptions in the mortgage origination market for large loan sizes as early as November.

**Tenant-Based Housing Vouchers:** The CR allows public housing agencies to use funding provided in the 2009 Omnibus for Tenant-Based Housing Vouchers to prevent termination of assistance to families. Without that funding, housing voucher termination notices will go out to an estimated 10,000 families.

"Miller, Chris (Reid)"  
<Chris\_Miller@reid.senate.gov>  
v>

12/10/2009 09:06 AM

To "Sara Chieffo", David McIntosh, Arvin Ganesan, Patricia Haman

cc

bcc

Subject Murkowski like rider defeated in conference committee - fyi

## Nice Obey quote

# Lawmakers reject attempt to handcuff EPA greenhouse gas rules (12/09/2009)

Allison Winter, E&E reporter

House and Senate conferees last night rejected an attempt to block U.S. EPA's work on regulations to curb greenhouse gas emissions.

The vote came as part of the conference on a \$446.8 billion omnibus spending bill that also sets the largest-ever budget for the National Oceanic and Atmospheric Administration.

Appropriators rejected, 5-9, the amendment from Rep. Todd Tiahrt (R-Kan.) to block any funding in the omnibus bill for Clean Air Act regulations based on the endangerment finding.

Tiahrt's proposal followed swiftly on the heels of EPA's release earlier this week of its "endangerment finding," a declaration that carbon dioxide and other greenhouse gases pose a threat to public health and welfare. The finding, which came in response to a Supreme Court order, does not entail any immediate regulations, but it sets the stage for broad nationwide rules to curb the heat-trapping emissions.

The Kansas Senate hopeful's effort indicates that EPA may face a battle from Republicans if it pursues the regulations.

"The Supreme Court did not set a deadline," Tiahrt said. "The administration has decided to circumvent the legislative process even as greenhouse gas legislation is being debated in this Congress. Administrative rulemaking is no longer a substitute for government."

Tiahrt questioned global warming and said that Congress and the White House should proceed cautiously, given recent questions over e-mails from climate scientists. Fuel for his debate are thousands of e-mails hacked from computers at the Climatic Research Unit of the University of East Anglia in Britain that were posted to a Russian file-sharing site last month. Climate skeptics argue that those e-mails demonstrate ethical lapses on the part of prominent climate scientists and demonstrate that they manipulated data to substantiate their claims on climate change.

Environmentalists contend that the e-mails do nothing to undermine the extensive body of science -- from many researchers -- behind climate change and say the controversy has been

largely ginned up by a handful of climate bill opponents.

Appropriations Chairman David Obey (D-Wis.) dismissed Tiahrt's concerns last night, even while admitting the action from the scientists may have been "questionable and probably idiotic."

"If we followed that logic to its conclusion, we would say that no member of Congress should legislate on any subject because a couple members of Congress make damn fools of themselves," Obey said. "I don't think that's a very good way to proceed."

The omnibus spending package is expected to go to a vote in the House as early as tomorrow. Lawmakers are on deadline to move the bills to final passage before Dec. 18, when the continuing resolution that currently funds those agencies of the federal government expires.

## **NOAA spending**

Part of the omnibus measure is the \$64.4 billion Commerce-Justice-Science bill, including the largest-ever budget for NOAA.

The CJS portion of the bill oversees fiscal 2010 funding for NOAA and the rest of the Commerce Department, as well as the National Science Foundation, the Justice Department and NASA.

Altogether, the measure has \$2 billion for various programs that focus on global climate change research, a \$75 million increase over 2009 levels, according to the Appropriations Committee.

More than half of that money would go to NASA and the National Academy of Sciences for space-based climate measurements.

The National Institute of Standards and Technology would get \$5 million to develop greenhouse gas emissions standards. NOAA would get \$375 million for climate change research and regional assessments. And the Economic Development Administration would get \$25 million for green building initiatives.

The total bill allots more than \$4.7 billion for NOAA. The nearly 9 percent increase is a greater spending boost than either the House bill or the Obama administration's request and would be largest budget ever for the agency.

Within NOAA's accounts, the biggest funding increase would go to major new acquisitions for its weather and climate monitoring satellites, which are entering a critical procurement phase.

The NOAA total is near the Senate's proposed totals for the agency, which slightly exceeded the House bill. Oceans advocates have applauded the spending increase but say much more money is needed to help the agency meet increasing demands to monitor overfishing, respond to climate change and oversee a new national policy for the ocean.

The bill also includes \$6.9 billion for the National Science Foundation, in line with the Senate

numbers, and \$857 million for the National Institute of Standards and Technology, a nearly \$30 million cut from the Senate proposal.

*Reporter Josh Voorhees contributed.*

LISA MURKOWSKI  
ALASKA

COMMITTEES:  
ENERGY AND NATURAL RESOURCES  
Recurrent Members  
ADDITIONAL MEMBERS:  
ALASKA REPRESENTATION: ADAM  
ANDERSON  
NOMINATED

## United States Senate

WASHINGTON, DC 20510-0203

202-224-3000  
202-224-3000 FAX

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October 7, 2009

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson:

I write to express my considerable disappointment in the proposed "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule" (the "Proposed Rule") issued earlier this week and over your agency's approach to an amendment (No. 2530) that I offered to the *Department of the Interior, Environment and Related Agencies Appropriations Act, 2010* (H.R. 2996).

I understood from the beginning that you objected to any effort that would limit your agency's ability to regulate greenhouse gas emissions under the Clean Air Act. Though I disagree with your agency's approach, I readily grant that there is a legitimate policy debate on the issue and I have no doubt that we are both concerned about the best interests of our country, its environment and its economy.

On Friday, September 18<sup>th</sup>, I had my Energy and Natural Resources Committee Staff Director contact your Chief of Staff to ask for EPA's analysis of my proposed amendment. If you wish, I can provide a detailed log of subsequent phone messages and emails, but the short form is that despite multiple requests, EPA personnel never substantively responded to our requests for a discussion of the amendment.

Unfortunately, while EPA personnel could not find the time to respond to our request for a discussion of the amendment and its potential effects, EPA personnel did seem to find time to contact a number of others whose businesses are dependent on EPA permits and tell them that my amendment would make it difficult, if not impossible, for them to obtain such permits.

These unsolicited contacts with entities regulated by the EPA are particularly concerning, not only because your staff failed to reply to my explicit request for a discussion of the amendment itself, but also because I strongly disagree with your agency's assessment of the impact that amendment would have had. Accordingly, I hereby request that you provide a complete list of

all individuals and businesses that were contacted by EPA staff about the potential impacts of my amendment.

EPA's evolving series of assertions about the impacts of my amendment were not only regrettable, they were thoroughly avoidable. I reached out to EPA to request your analysis and repeatedly stated that I would modify the text of my amendment to account for concerns raised, especially those of the EPA. As you may be aware, I went to great lengths to address comments and criticisms from members of the Senate, the environmental community, and the administration before filing my amendment. My only condition was that any changes made could not result in the deterioration of its ability to achieve my stated objective – confining EPA carbon dioxide regulations to mobile sources, for a period of one year, to ensure the Senate's debate on climate change could proceed without the threat of economically-damaging regulations materializing in the meantime.

In addition to experts on my staff, some of our nation's leading Clean Air Act attorneys also reviewed my amendment to determine its reach. Those attorneys unanimously agreed – as did the members of my staff – that it would not hinder or halt any other activity occurring at the EPA. That includes your agency's proposed greenhouse gas emissions standard for light-duty vehicles, which the plain language of my amendment specifically allowed to move forward under Section 202 (b)(8) of its text.

Despite this, your agency told people that my amendment would have the opposite effect. On September 23, 2009, you personally wrote a letter to Senator Dianne Feinstein arguing that "the most striking impact" of my amendment would be to "pull the plug" on the light duty vehicle standards. This conclusion runs contrary to my legal interpretation of my amendment, all counsel I received, and the amendment's explicit wording. Accordingly, I hereby request that you provide a written explanation of the legal analysis underpinning your agency's assessment of Amendment No. 2530, as stated in the second paragraph of your letter to Senator Feinstein.

From a broader perspective, I am troubled by your agency's interpretation of both proposed legislation and existing statutes. During consideration of H.R. 2996, you repeatedly stated that my amendment would prevent your agency from completing any activity intended to reduce carbon dioxide emissions, which suggests that you would not have adhered to its actual content. Again, because my amendment included multiple savings clauses to ensure that the EPA could continue work on a wide range of issues, including the preparation of final regulations for stationary source emissions, I believe your assertions were simply incorrect.

Likewise, your agency's proposal to regulate stationary source emissions, released earlier this week, has confirmed that, for at least a five year period, the EPA intends to ignore the existing trigger for mandatory regulation of pollutants under the Clean Air Act – either 100 tons per year or 250 tons per year of carbon dioxide equivalent – in favor of a level that is more "feasible" to enforce. Your agency proposed this rule knowing full well that it is bound to adhere to current law, and does not have the discretion to arbitrarily increase the regulatory threshold simply because enforcement at a given level is politically unsustainable. I believe the "tailoring" proposal your agency put forth has no legal basis, and by refusing to abide by the strictures of the



Clean Air Act, you have opened your agency up to litigation that could drastically alter the scope of this regulation.

Ultimately, these scenarios are equally troubling and raise serious questions about EPA's regard for Congress, the laws it has enacted, and the laws it may still enact.

Moreover, while your public comments focused on the purported impact my amendment could have on the EPA, none of them addressed my central point – that EPA regulation of greenhouse gas emissions under the Clean Air Act could have a devastating impact on our economy and more particularly, that the EPA's proposed limitation of regulation to sources generating more than 25,000 metric tons has no basis in law and will not stand.

Accordingly, I hereby request that you provide:

- a. any analysis that your agency has conducted, or has had others conduct, to identify the economic impact that could result from the regulation of greenhouse gas emissions under the Clean Air Act at emission levels of 25,000 tons per year of carbon dioxide equivalent, 10,000 tons of carbon dioxide equivalent per year, and 250 tons per year of carbon dioxide equivalent; and
- b. in addition to the analysis in the proposed rule, an explanation of what, if any, legal basis exists for the EPA altering the plain language of the Clean Air Act without an amendment to that statute having been passed by Congress and signed into law by the President, including any analysis or comments provided to EPA from other agencies, including the Department of Justice.

Finally, contrary to previous public characterizations of the proposed "tailoring rule," the proposal does not permanently exempt all sources of greenhouse gases below 25,000 tons, but rather employs a "phased approach" that merely delays the application of the rule to smaller sources for a five year period. The proposed rules states that it will "establish a process for implementing the PSD and title V requirements, including a first phase that would consist of establishing the specified thresholds and vigorously developing streamlining methods; then, after five years, preparing an assessment; and then, by the sixth year, promulgating a rulemaking for further action." (Proposed Rule, p. 64)

Please answer the following questions:

- a. Does the application of the phased approach reflect EPA's conclusion that it cannot permanently ignore the explicit thresholds provided in the Clean Air Act?
- b. What "streamlining" of the regulatory process does EPA intend to implement for the regulation of smaller sources, and will that process be in compliance with the plain language of the Clean Air Act?
- c. On what technical grounds was the five-year period of delay for the implementation of subsequent regulatory phases selected?

I appreciated our previous chance to meet and hoped we had established an ability to work together even on issues where we may disagree. I hope to represent the people of Alaska as their senior Senator for a long time. During our mutual tenures, I'm certain that additional issues of joint concern will arise. As we have done in the past and did on this issue, if I have concerns about EPA's actions, I will contact you or your staff and be forthright about my concerns and intentions. In the future, I hope EPA will respond in kind.

I look forward to your prompt reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Murkowski". The signature is fluid and cursive, with a large initial "L" and "M".

Lisa Murkowski  
United States Senator